

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 35A.5 and 2008 Iowa Acts, chapter 1130, section 3, the Department of Veterans Affairs hereby proposes to amend Chapter 1, "Organization and Procedures," Iowa Administrative Code.

The amendments to Chapter 1 are proposed to establish the Iowa Veterans Cemetery; to make technical corrections; to comply with 2007 Iowa Acts, House File 817, that prescribes certain duties to the Iowa Department of Veterans Affairs; and to comply with 2008 Iowa Acts, Senate File 2134, that establishes the county commission of veterans affairs account, training program, and minimum requirements to county commissions of veterans affairs.

Any interested party or persons may present their views either orally or in writing at a public hearing to be held on April 17, 2009, from 1 to 2 p.m. at the Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments. Persons who wish to make oral presentations at the public hearing should contact Kent Hartwig, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824, or at (515)242-0031, prior to the date of the hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact Kent Hartwig at (515)242-0031.

Any interested person may make written comments or suggestions on the proposed amendments until 4:30 p.m. on April 14, 2009. Written comments and suggestions should be addressed to Kent Hartwig, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824; sent by E-mail to kent.hartwig@iowa.gov; or sent by fax to (515)242-5659.

No fiscal impact is anticipated.

These amendments are intended to implement Iowa Code chapter 35A and section 35B.6 and 2008 Iowa Acts, chapter 1130.

The following amendments are proposed.

ITEM 1. Amend rule 801—1.1(35,35A,35D) as follows:

801—1.1(35,35A,35D) Definitions. The following definitions are unique to the ~~commission~~ department of veterans affairs:

"Annual school of instruction" means annual classroom certification and recertification training sponsored by the department for county veteran service officers to meet accreditation requirements sponsored and directed by the commission of the National Association of County Veteran Service Officers (NACVSO).

"Armed forces graves" means graves of any individuals who die during or after discharge from honorable service in the army, navy, air force, marines, merchant marines, coast guard, or as a federally activated reservist or member of the national guard, and are buried within the state of Iowa.

"Cemetery" means the Iowa Veterans Cemetery.

"Certificate of training" means a certificate provided to ~~an~~ a county veteran service officer upon satisfactory completion of an annual school of instruction.

"Commandant" means the commandant of the Iowa Veterans Home.

“Commission” means the Iowa commission of veterans affairs.

“Commissioner” means a member of the Iowa commission of veterans affairs.

“County commission” means a county commission of veteran affairs.

“County commissioner” means a member of a county commission of veteran affairs.

“County veteran service officer” means an executive director or administrator of a county commission.

“Department” means the Iowa department of veterans affairs.

“Executive director” means the executive director of the Iowa ~~commission~~ department of veterans affairs.

~~*“Officer”* means an executive director of a county commission, a county commissioner, or a clerical assistant of a county commission.~~

ITEM 2. Amend rule 801—1.2(35,35A,35D) as follows:

801—1.2(35,35A,35D) Commission. The commission is established and operates in accordance with Iowa Code chapter 35A ~~as amended by 1992 Iowa Acts, chapter 1140, sections 7 to 11.~~

1.2(1) Office location. The commission maintains its office at the Iowa ~~Commission~~ Department of Veterans Affairs at Camp Dodge. The mailing address is: Iowa Commission of Veterans Affairs, c/o Camp Dodge, Building A6A, ~~7700 NW Beaver Drive~~ 7105 NW 70th Avenue, Johnston, Iowa 50131-~~1902~~ 1824. The telephone number is (515)242-5331 or 1-800-838-4692 (1-800-VET-IOWA).

1.2(2) Meetings and conduct of business.

a. Meetings. Regular meetings of the commission shall be held ~~the first Wednesday of each quarter~~ four times a year during the months of (January, April, July, and September October) at 10 a.m. Notice of the time, place, and tentative agenda of all meetings shall be posted on the bulletin board located in the office of the governor 24 hours prior to the meeting. The agenda for each meeting shall include a reasonable time period for public comment. Special meetings shall be held pursuant to call by the chairperson. Notice of time and place shall be posted in the same manner as a regular meeting.

b. A quorum shall consist of two-thirds of the membership appointed and qualified to vote.

c. A quorum is required to carry a position.

d. Copies of minutes shall be kept on file in the office of the ~~commission~~ department.

e. In cases not covered by these rules, Robert’s Rules of Order shall govern.

f. An equal number of meetings shall be conducted at Camp Dodge and the Iowa Veterans Home.

1.2(3) Duties. The duties of the commission are as follows:

a. Organize and annually select a chairperson, a senior vice-chairperson and a junior vice-chairperson at the first meeting of each state fiscal year.

~~b. —Adopt rules pursuant to Iowa Code chapter 17A in accordance with 801—Chapters 2, 3, and 4 and establish policy for management and operation of the commission.~~

~~c. —Prescribe the duties of the executive director and other employees as deemed necessary to carry out the duties of the commission, including but not limited to those set out in rule 1.3(35,35A). Those duties not all inclusive are training of officers in accordance with Iowa Code chapter 35B, maintenance of the war orphans educational fund, maintaining information and data concerning military service records of Iowa veterans, collecting and maintaining information concerning veterans affairs, and maintaining armed forces graves registration. The executive director shall report directly to the commission. The commission shall supervise the executive director’s administration of commission policy other than those related to the Iowa Veterans Home. The executive director shall make a full and detailed report biennially regarding matters pertaining to the commission other than those related to Iowa Code section 35D.17.~~

~~d. b.~~ b. Supervise the commandant’s administration of commission policy for the operation and conduct of the Iowa Veterans Home as set out in rule 1.4(35A,35D) and 801—Chapter 10.

~~e. —Maintain information and data concerning military service records of Iowa veterans.~~

~~f. —Provide assistance to county commissions including, but not limited to, adoption of rules regarding training of officers, provision of training courses in accordance with Iowa Code chapter 35B as amended by 1992 Iowa Acts, chapter 1075, section 2.~~

- ~~g. — Permanently maintain records pertaining to the war orphans educational fund in accordance with Iowa Code section 35.7 as amended by 1992 Iowa Acts, chapter 1140, section 4.~~
- ~~h. — Collect and maintain information concerning veterans affairs.~~
- ~~i. — Provide information concerning veterans service records and veterans affairs data to authorized recipients in accordance with 801—Chapter 6.~~
- ~~j. — Maintain alphabetical armed forces graves registration according to procedures as set out in rule 1.7(35A,35B).~~
- c. Review proposed administrative rules submitted by the department concerning the management and operation of the department. Unless the commission votes to disapprove a proposed rule on a two-thirds vote at the earlier of the next regularly scheduled meeting of the commission or a special meeting of the commission called by the commission within 30 days of the date the proposed rule is submitted, the department may proceed to adopt the rule.
- d. Advise and make recommendations to the department, the general assembly, and the governor concerning issues involving and impacting veterans in this state.
- e. Advise and make recommendations to the general assembly and the governor concerning the management and operation of the department.
- f. Conduct an equal number of meetings at Camp Dodge and the Iowa Veterans Home. The agenda for each meeting shall include a reasonable time period for public comment.
- g. Administer the Iowa veterans trust fund pursuant to 801—Chapter 14, Iowa Administrative Code.
- h. Maintain and authorize expenditures from the veterans license fee fund to fulfill the responsibilities of the commission pursuant to Iowa Code section 35A.11.

ITEM 3. Amend rule 801—1.3(35,35A) as follows:

801—1.3(35,35A) Executive director. The executive director is responsible for administering the duties of the department and the commission other than those related to the Iowa Veterans Home.

1.3(1) Office location and hours. The office of the executive director is located at Camp Dodge, Building A6A, ~~7700 NW Beaver Drive~~ 7105 NW 70th Avenue, Johnston, Iowa 50131-~~4902~~ 1824. The office is open to the public during the hours of 8 a.m. to 4:30 p.m. except Saturday, Sunday, and holidays. The telephone number is (515)242-5331 or 1-800-838-4692 (1-800-VET-IOWA).

1.3(2) Administrative staff. The executive director provides direction to administrative staff employed by the ~~commission~~ department to assist the executive director in carrying out assigned duties.

1.3(3) Investigation of applications. The executive director shall examine all applications and approve or disapprove same and make any investigation necessary to establish facts regarding veterans service status and veterans affairs data in accordance with Iowa Code chapters 35 and 35A.

1.3(4) Duties. The duties of the department are as follows:

a. Maintain and disseminate information to veterans and the public regarding facilities, benefits, and services available to veterans and their families and assist veterans and their families in obtaining such benefits and services.

b. Maintain information and data concerning the military service of Iowa veterans.

c. Assist county veteran affairs commissions established pursuant to Iowa Code chapter 35B. The department shall provide to county commissions suggested uniform benefits and administrative procedures for carrying out the functions and duties of the county commissions. The department shall also ensure compliance of county commissions with required office hours.

d. Permanently maintain the records including certified records of bonus applications for awards paid from the war orphans educational fund under Iowa Code chapter 35.

e. Collect and maintain information concerning veterans affairs.

f. Assist the United States Department of Veterans Affairs, the Iowa Veterans Home, funeral directors, and federally chartered veterans service organizations in providing information concerning veterans' service records and veterans affairs data.

g. Maintain alphabetically a permanent registry of the graves of all persons who served in the military or naval forces of the United States in time of war and whose mortal remains rest in Iowa.

h. After consultation with the commission and the Iowa Association of County Veteran Service Officers, provide certification training to officers and county support staff pursuant to 2008 Iowa Acts, chapter 1130, section 3, and Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130, section 4. Training provided shall include accreditation by the National Association of County Veteran Service Officers. Continuing education training shall be provided by the department to meet the requirements established by the National Association of County Veteran Service Officers and to ensure that each officer is proficient in the use of electronic mail, general computer use, and use of the Internet to access information regarding facilities, benefits, and services available to veterans and their families. The department shall provide two schools of instruction annually. At least one school each year will provide continuing education requirements sufficient to maintain national accreditation and at least one school each year will provide accreditation training for nonaccredited officers, if needed.

i. Provide an annual training course for county commissioners of veteran affairs.
j. Establish and operate a state veterans cemetery pursuant to Iowa Code section 35A.5, subsection 10.

k. Authorize the sale, trade, or transfer of veterans commemorative property pursuant to Iowa Code chapter 37A and 801—Chapter 15, Iowa Administrative Code.

l. Adopt rules pursuant to Iowa Code chapter 17A and establish policy for the management and operation of the department. Prior to adopting rules, the department shall submit proposed rules to the commission for review pursuant to the requirements of Iowa Code section 35A.3.

m. Provide information requested by the commission concerning the management and operation of the department and the programs administered by the department.

n. Carry out the policies of the department.

ITEM 4. Adopt the following **new** rule 801—1.5(35A):

801—1.5(35A) Iowa Veterans Cemetery. The department shall operate and administer the Iowa Veterans Cemetery in accordance with United States Department of Veterans Affairs' standards.

1.5(1) Operation and maintenance. The cemetery shall be operated and maintained in accordance with national standards set forth in Title 38 U.S.C. Chapter 24.

1.5(2) Application for interment. The department shall provide veterans and their eligible dependents with a standardized application for interment at the cemetery. This application is available at the Iowa Veterans Cemetery, 34024 Veterans Memorial Drive, Adel, Iowa 50003-3300; the Iowa Department of Veterans Affairs, 7105 NW 70th Avenue, Camp Dodge, Building A6A, Johnston, Iowa 50131-1824; or online at www.iowava.org/vetcemetery/index.html.

1.5(3) Eligibility. The department shall make eligibility for interment determinations consistent with Title 38 U.S.C. Chapter 24. State residency shall not be considered a component of eligibility.

1.5(4) Appeal rights.

a. Final agency action. Eligibility determinations made by the cemetery director shall be the final decision of the department.

b. Judicial review. Judicial review of the department's decision may be sought in accordance with Iowa Code section 17A.19.

ITEM 5. Amend subrules 1.11(2), 1.11(3) and 1.11(5) as follows:

1.11(2) Application procedures. The application is available at the ~~commission~~ department of veterans affairs. The application may be submitted to the ~~commission~~ department with name, address and telephone number, along with required document DD-214.

1.11(3) Department processing and investigation.

a. The time period for filing applications shall ~~be from~~ begin on July 1, 1999, ~~to July 1, 2004.~~

b. The executive director of the ~~commission~~ department of veterans affairs will approve or disapprove the application.

1.11(5) Office address. The office of the ~~commission~~ department of veterans affairs is located at ~~7700 NW Beaver Drive~~ 7105 NW 70th Avenue, Camp Dodge, Building A6A, Johnston, Iowa 50131-~~1902~~ 1824.